Remarks

Claims 1-18 and 20-23 are pending.

Claims 2, 4-8, 12-17, 20 and 21 are original.

Claims 1, 3, 9-11, 18, 22 and 23 are as previously presented.

Rejections

Claims 1-18 and 20-23 are rejected under 35 USC 103(a) over Haremza, et. al., US 6,214,929.

Applicants respectfully traverse the rejections.

US 6,214,929 discloses an aqueous dispersion comprising a polymer and a stabilizer. The examiner states in paragraph 6, page 2 of the instant action that '929 is not limited to a maximum amount of 50% stabilizer and that the desirability of higher stabilizer amounts is desirable. Further, paragraph 7 states that "when the art describes mixtures of polymers, the amount of a single polymer in the mixture, reading on the "carrier polymer" meets the polymer limitation".

Applicants respectfully point to the description of the carrier polymer in instant claim 1:

a polymer carrier **prepared by heterophase radical polymerization** of at least one ethylenically unsaturated monomer **in the presence of a non-polar organic light stabilizer,** wherein the weight ratio of non-polar organic light stabilizer to **polymer carrier** is greater than 100 parts of light stabilizer per 100 parts of carrier.

Applicants respectfully aver that the polymer carrier of the instant dispersion is a rather specific polymer, which polymer is not found in the disclosure of '929 or in any other art existent at the time of the instant invention. There are significant, defining characteristics of the polymer carrier of claim 1 that are not referenced in the art that allows for the high concentration of non-polar light stabilizer. Most notably, the polymer is formed in the presence of the light stabilizer as opposed to the '929 wherein stabilizers are mixed with already prepared polymers, as typically encountered in standard polymer formulating. This is not a minor difference.

Attached is a declaration signed by Frank Pirrung which shows quite clearly that producing the carrier polymer in the presence of the non-polar stabilizer allows for high concentrations of non-polar stabilizers in a stable dispersion and that the teachings and procedures found in '929 do not allow for the preparation of such aqueous dispersions.

In the declaration, in one experiment, a polymer was prepared analogous to the polymers of '929 and following the procedures of '929 an aqueous dispersion with a non-polar light stabilizer was attempted.

In a separate experiment, the exact same dispersion of the above experiment was attempted using the same stabilizer at the same concentration and a polymer prepared using exactly the same mix of monomers and the same reaction conditions **except** that the polymer was prepared in the presence of the stabilizer.

A dispersion could not be prepared using the preformed polymer and the high concentration of non-polar stabilizer; however a stable dispersion was readily prepared using the otherwise identical polymer synthesized, according to the instant invention, in the presence of the stabilizer.

Applicants respectfully submit that the experiments in the declaration show that a dispersion is made available using the instant invention wherein the polymer carrier is prepared in the presence of the stabilizer that is not available when using the polymers of the cited art.

Applicants respectfully note that while the disclosure of '929 may be read as "open" regarding the possible amount of stabilizer, as suggested by the Examiner, '929 in several instances directs one to dispersions wherein the amount of stabilizer relative to polymer is from 0.01 to 50%, preferably from 5% to 30% by weight, e.g., column 12 lines 41-46, and 9.09 to 505 % by weight, e.g., claim 1. Applicants further note that the in Examples of US 6,214,929, the amount of stabilizer is 9.09% and no where near 50%. Applicants also respectfully note that '929 offers no guidance as to how one would prepare such a system. Applicants maintain that the teachings of '929 do not allow for the high concentrations found in the instant invention, shown for example, by the instant declaration.

Applicants respectfully maintain that the declaration demonstrates that both the carrier polymers of the instant invention are physically different than the polymers of '929, and that the dispersions prepared according to instant inventions are physically different than those of '929.

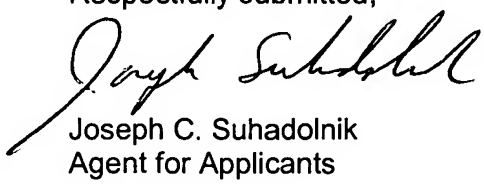
Regarding the suggestion in the present Action that designating a minor component of a mixture of polymers as "carrier polymer" would allow '929 to meet the severe concentration limitations of the instant claims relative to the polymer to stabilizer ratio, Applicants respectfully assert that the instant claims refer to a specific polymer and not just any polymer that may be added blended at a small concentration. Applicants point to the exceptional results of the enclosed declaration and respectfully assert that the instant carrier polymer, synthesized in the presence of the stabilizer does indeed have properties completely outside of any polymer considered or enabled by '929.

Applicants respectfully aver that the polymers of the instant claims have properties different and remarkable when compared to the polymers found in the art and can not be considered as equivalents in any way. Applicants further respectfully aver that the instant, high concentrations of non-polar light stabilizer in an aqueous dispersion is neither contemplated nor enabled by the cited art. Applicants therefore conclude that the instant dispersions can not be construed to be similar to, or enabled by the disclosure of '929.

In light of the data and discussion of the enclosed declaration Applicants respectfully submit that the instantly claimed invention surprisingly provides dispersions with properties not available via the teachings of the cited art and kindly ask that the rejections under 35 USC 103(a) over Haremza, et. al., US 6,214,929 be withdrawn and that claims 1, 3, 9-11, 18, 22 and 23 be found allowable.

In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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Enclosure: - Declaration under rule 132 of Frank Pirrung